IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:08cv37

JAMES A. GUNNINGS, SR.,	
Plaintiff,	
Vs.	ORDER
MICHAEL J. ASTRUE, Commissioner of Social Security,))
Defendant.)))

THIS MATTER is before the court on the Commissioner's Motion to Vacate Stay of Court Proceedings. Having considered the Commissioner's motion and reviewed the pleadings, and it appearing that the Appeals Council has now denied plaintiff's request for an extension of time to file this action, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the Commissioner's Motion to Vacate Stay of Court Proceedings (#9) is **GRANTED**, and the previous entered **STAY** is **DISSOLVED**.

Signed: August 29, 2008

Dennis L. Howell United States Magistrate Judge

ennis & Hausel